

REMARKS

This Amendment is in response to the Office Action dated February 4, 2009 (the Action).

Claims 1, 3 and 5-6 stand rejected under 35 U.S.C. 101. Claims 1, 3, 5-7, 9, 11-12 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,728,685 to Ahluwalia (Ahluwalia) in view of U.S. Patent Publication No. 2003/0195811 to Hayes (Hayes).

Applicants respectfully request reconsideration in view of the above amendments and the remarks that follow.

I. Section 101 Rejections

The Action states that Claims 1, 3 and 5-6 are rejected under 35 U.S.C. 101 because a process must be tied to a particular machine or transform underlying subject matter.

Applicants appreciate the Examiner's suggestion on page 3 of the Action that the rejection may be overcome by adding a machine and apparatus in the creating, accessing and notifying steps. Accordingly, Applicants have amended Claim 1 to recite an event receiving module in a processor and a data storage facility in the creating, accessing and notifying steps. Claim 1 satisfies the requirements under 35 U.S.C. 101.

Applicants submit that the rejections under 35 U.S.C. 101 have been overcome and request that such rejections be withdrawn. However, if the rejections under 35 U.S.C. 101 are maintained, Applicants respectfully request the Examiner's suggestion as to a satisfactory amendment.

II. Section 103 Rejections

Claim 1 as amended recites as follows:

1. A method for processing an electronic request to purchase goods or services, the method comprising:
providing to a shopper, via a communications network, an electronic purchase order having an opportunity to select a notification option and provide electronic purchasing information, wherein the

notification option, if selected, indicates that the shopper desires to be contacted if a triggering event that affects the performance of delivery occurs;

receiving from the shopper, via the communications network, the electronic purchasing information that contains an electronic request to purchase goods or services and, if the notification option was selected, optionally supplied notification information, the notification information representative of at least one communication pathway for communicating with the shopper, wherein receiving notification information further comprises receiving presence information;

creating a shopper profile associated with the shopper and electronically storing the shopper profile at an electronic data storage facility, the shopper profile containing the electronic request and the optionally supplied notification information;

providing the shopper with delivery information;

recognizing the occurrence of the triggering event using an event receiver module in a processor;

accessing the notification information in the shopper profile using the electronic data storage facility;

if the shopper has selected the notification option and supplied the notification information, notifying the shopper that the triggering event has occurred via the at least one communication pathway using the event receiver module; and

notifying the shopper of a changed delivery date based on the presence information using the event receiver module, wherein the presence information comprises real time presence information about the shopper's current status based on a real time status of a particular device that the shopper is currently using, and the real time presence information is provided by a presence database for storing the real time presence information.

The Action concedes that Ahluwalia does not disclose that the notification is to be in the case of a triggering event, recognizing the occurrence of the triggering event, notifying the shopper that the triggering event has occurred, presence information, and notification information representative of a plurality of pathways with each having a preferred rank. The Action takes the position that these features are disclosed in Hayes.

In response, Applicants have amended Claim 1 to clarify that the presence information includes real time information about the shopper's current status based on a real time status of a particular device that the shopper is currently using, and the presence information is

provided by a presence database for storing real time presence information. Support for the amendments can be found, for example, in the application at paragraphs [0028] and [0039].

Applicants submit that Hayes does not disclose or render obvious a presence database for storing real time presence information or that the presence information is real time information about the shopper's current status based on a real time status of a particular device that the shopper is currently using. In particular, Hayes discusses a customer messaging and alerting service (CMAS), which sends an alert to a customer by following a customer hierarchy list of communication types until the list is exhausted. See paragraph [0037] (cited in the Action). Thus, Hayes does not store the real time status of a particular device that the shopper is currently using or provide presence information using a presence database for storing real time presence information as recited in Claim 1. Hayes merely follows a customer hierarch of communication types in order to locate the customer. According to embodiments of the invention, contacting a customer by numerous methods using a customer hierarch list of communication types can be avoided because the presence information database can include real time information about devices that the shopper is currently using. Thus, only a message to the device being currently used may be needed, which can obviate sending numerous messages as is apparently required in Hayes.

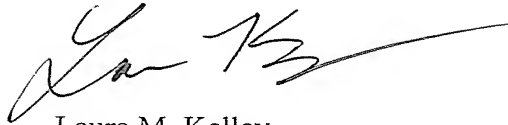
For at least these reasons, Applicants submit that the recitations of Claim 1 are not disclosed or rendered obvious by Ahluwalia or Hayes, either alone or in combination. Claims 7 and 12 include analogous recitations to those discussed with respect to Claim 1. Accordingly, Applicants submit that the independent Claims 1, 7 and 12 are patentable, and Claims 3, 5-6, 9, 11 and 15 are patentable at least per the patentability of the claims from which they depend.

CONCLUSION

Accordingly, Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Attorney Docket No. 9400-389
Application Serial No. 10/008,295
Filed: November 13, 2001
Page 10

Respectfully submitted,

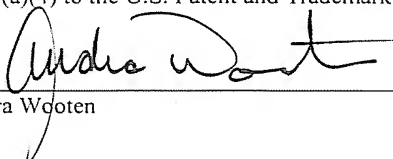


Laura M. Kelley
Registration No.: 48,441

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on May 4, 2009.



Audra Wooten